IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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C.E.A. No.172 of 2006
Date of Decision:01.03.2007

Commissioner of Central Excise Commissionerate, Jalandhar
.....Appellant

Vs.

M/s Kapoor Dyeing and Printing Mills, Amritsar
.....Respondent

CORAM:- HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

Present:- Mr. Vir Bhan Singla, Advocate for Mrs. Daya Chaudhary, Assistant Solicitor General of India for the appellant.

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Rajesh Bindal, J.

The Tribunal has reduced the penalty under Rule 96ZQ of the Central Excise Rules, 1944 for delay in deposit of duty due, to Rs. 90,000/-, having regard to the facts and circumstances of the case.

In our judgment delivered on 3.8.2006 in CEA No.77 of 2005 **(Commissioner, Central Excise Commissionerate, Ludhiana** v. **M/s K.C.Alloys & Steel Castings, Ludhiana**, we have held that penalty under the said provision is not the minimum but is at the discretion of the authorities. The discretion, having been exercised in a given fact situation, is not shown to be perverse.

No substantial question of law arises.

The appeal is dismissed.

(RAJESH BINDAL)
JUDGE

March 1, 2007 **(M.M.KUMAR)**
renu **JUDGE**